



DA/IFU

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: John R. Liddicoat et al.
Serial No.: 10/724,854
Filed: 12/01/2003
For: APPARATUS AND METHOD FOR
MANIPULATING TISSUE
Group Art Unit: 3773
Examiner: Vy Q. Bui
Attorney's Docket No.: LIDDICOHN-123

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED
WITH THE UNITED STATES POSTAL SERVICE AS FIRST CLASS MAIL,
POSTAGE PREPAID, IN AN ENVELOPE ADDRESSED TO: COMMISSIONER
FOR PATENTS, PO BOX 1450, ALEXANDRIA, VA 22313-1450, ON:

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

July 6, 2009

(DATE OF DEPOSIT)

Margaret M. Carley

(NAME OF ATTORNEY)

Margaret M. Carley

(SIGNATURE)

Sir:

July 6, 2009

(DATE OF SIGNATURE)

PETITION TO WITHDRAW HOLDING OF
ABANDONMENT UNDER 37 CFR 1.181

Applicants respectfully petition the Director to withdraw
the Notice of Abandonment issued in connection with the
above-identified patent application, inasmuch as a response to
the outstanding Official Action issued on December 22, 2008 was
filed with the U.S. Patent and Trademark Office on June 22, 2009.

A statement of the facts involved is provided hereinbelow.

An Official Action was mailed by Examiner Vy Q. Bui on
December 22, 2008.

On June 22, 2009, Applicants submitted a Time Extension
Petition, a Response, a Certificate of Mailing, a check for

LIDDICOHN-123

\$1,175.00 and a return receipt postcard to the U.S. Patent and Trademark Office. A copy of the Time Extension Petition and a copy of the Response are enclosed for the convenience of the U.S. Patent and Trademark Office.

On June 29, 2009, Applicants received the return receipt postcard indicating that the Time Extension Petition, Response, Certificate of Mailing, check for \$1,175.00 and return receipt postcard were received at the U.S. Patent and Trademark on June 25, 2009 (copy enclosed).

A Notice Of Abandonment was mailed on June 25, 2009 which indicated that the above-identified patent application was abandoned for "failure to timely file a proper reply to the Office letter mailed on 22 December 2008" because no reply had been received.

In view of the fact that a timely response was filed with, and received by, the U.S. Patent and Trademark Office, Applicants respectfully request that the Director withdraw the Notice of Abandonment and enter the response filed on June 22, 2009 in the above-identified patent application.

In the event that any fees may be required in this matter, please charge the same to Deposit Account No. 16-0221.

Thank you.

Respectfully submitted,



Margaret M. Carley

Registration No. 55,625

Pandiscio & Pandiscio, P.C.

470 Totten Pond Road

Waltham, MA 02451-1914

Tel. No. (781) 290-0060

COPY

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



In re Application of: John R. Liddicoat et al.
Serial No.: 10/724,854
Filing Date: 12/01/2003
For: APPARATUS AND METHOD FOR MANIPULATING
TISSUE
Examiner: Vy Q. Bui
Group Art Unit: 3773
Attorney's Docket No.: LIDDICOHN-123

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

PETITION FOR AUTOMATIC EXTENSION OF TIME TO RESPOND

Applicants hereby petition for a five (5) month extension of time to respond to the outstanding OFFICIAL ACTION mailed December 22, 2008 with respect to the above-identified patent application, thereby extending the time for response from January 22, 2009 to June 22, 2009.

A check in the amount of \$1,175.00 is enclosed to cover the cost of the petition fee. This petition fee has been calculated on the basis of a Small Entity status.

In the event that any additional fees may be required to be paid in connection with this matter, please charge the same, or credit any overpayment, to Deposit Account No. 16-0221.
A duplicate copy of this Petition is enclosed for the convenience of the Office.

Thank you.

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS FIRST CLASS MAIL, POSTAGE PREPAID, IN AN ENVELOPE ADDRESSED TO: COMMISSIONER FOR PATENTS, P.O. BOX 1450, ALEXANDRIA, VA 22313-1450, ON:

June 22, 2009

(DATE OF DEPOSIT)

Margaret M. Carley

(NAME OF ATTORNEY)

Margaret M. Carley
(SIGNATURE)

June 22, 2009

(DATE OF SIGNATURE)

Respectfully submitted,

Margaret M. Carley

Margaret M. Carley
Registration No. 55,625
Pandiscio & Pandiscio, P.C.
470 Totten Pond Road
Waltham, MA 02451-1914
Tel. (781) 290-0060

COPY



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: John R. Liddicoat et al.
Serial No.: 10/724,854
Filing Date: 12/01/2003
Title: APPARATUS AND METHOD
FOR MANIPULATING TISSUE
Group Art Unit: 3773
Examiner: Vy Q. Bui
Attorney's Docket No.: LIDDICOHN-123

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

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WITH THE UNITED STATES POSTAL SERVICE AS FIRST CLASS MAIL
POSTAGE PREPAID, IN AN ENVELOPE ADDRESSED TO: COMMISSIONER
FOR PATENTS, PO BOX 1450, ALEXANDRIA, VA 22313-1450, OR

June 22, 2009

(DATE OF DEPOSIT)

Margaret M. Carley

(NAME OF ATTORNEY)

Margaret M. Carley

(SIGNATURE)

June 22, 2009

(DATE OF SIGNATURE)

RESPONSE

This is in response to the Official Action currently
outstanding with respect to the above-identified patent
application.

Claims 40-54 stand subject to a restriction requirement
under 35 USC 121.

More particularly, the Examiner indicated that the
application contains claims directed to the following
patentably distinct species:

LIDDICOHN-123

Species 1: Figs. 1-4.

1.1. Sub-species 1: Figs. 5-10.

1.2. Sub-species 2: Figs. 11-12.

Species 2: Figs. 13-18.

2.1. Sub-species 1: Figs. 19-22.

2.2. Sub-species 2: Figs. 23-24.

Species 3: Figs. 25-31.

The Examiner also indicated that Applicants are required under 35 USC 121 to elect a single disclosed species/sub-species for prosecution on the merits.

In response, Applicants hereby elect, without prejudice, to prosecute the species of Species 1: directed to Figs. 1-4 and the sub-species of Sub-species 1: directed to Figs. 5-10. Applicants believe that this species and sub-species is directed to claims 40-53.

Applicants expressly reserve the right to prosecute all non-elected subject matter in related applications.

In the event that any fees may be required in this matter,
please charge the same to Deposit Account No. 16-0221.

Thank you.

Respectfully submitted,



Margaret M. Carley
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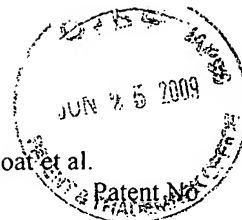
MMS/LIDDICOHN123.RES2

PATENT

Application No.

Applicants: John R. Liddicoat et al.

Serial No. 10/724,854



Due Date: 06/22/2009

Mailing Date: 06/22/2009

Mailing: MMC/kc

Docket No. LIDDICOHN-123

Title: APPARATUS AND METHOD FOR MANIPULATING TISSUE

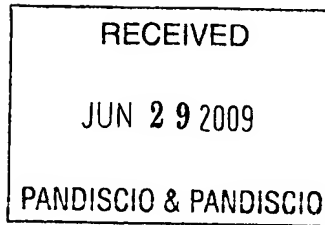
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| <input type="checkbox"/> Abstract (page) | <input checked="" type="checkbox"/> Response (3 pages) |
| <input type="checkbox"/> Declaration and Power of Attorney
(pages, unsigned) | <input type="checkbox"/> Transmittal Letter (page) |
| <input type="checkbox"/> Replacement Drawings (sheets) | <input checked="" type="checkbox"/> Certificate of Mailing |
| <input type="checkbox"/> Information Disclosure Statement | <input type="checkbox"/> Express Mail Certificate |
| <input checked="" type="checkbox"/> Time Extension Petition
(5 month) (1 page) | <input type="checkbox"/> Maintenance Fee Transmittal |
| <input type="checkbox"/> Small Entity Verification | <input type="checkbox"/> Notice of Appeal |
| <input type="checkbox"/> Specification Cover Sheet (page) | <input type="checkbox"/> Issue Fee Transmittal |
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Sheet (pages) | <input type="checkbox"/> Brief (copies) |
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| | <input type="checkbox"/> Terminal Disclaimer (page) |

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25 JUN 2009 PM 2 L



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